

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

ANAND ET AL.

Atty. Ref.: **620-406**

Serial No. **10/563,042**

Group: **1611**

Filed: **March 13, 2006**

Examiner: **Love, Trevor M**

For: METHOD FOR INCREASING THE EFFICACY OF A
MITOTIC SPINDLE ASSEMBLY INHIBITOR WITH AN
AURORA KINASE INHIBITOR

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RULE 131 DECLARATION

We, Shubha Anand and Ashok Venkitaraman, do hereby declare and say as follows:

1. We are aware of the above-identified application, and we are fully informed of the invention claimed therein.
2. We are the inventors of the invention claimed in the above-identified application.
3. We, with Sue Penrhyn-Lowe, are listed as authors of a journal article entitled, "AURORA-A amplification overrides the mitotic spindle assembly checkpoint, inducing resistance to Taxol" which published in Cancer Cell, January 2003, volume 3, pp 51-62 (hereinafter Anand et al (of record)).
4. While Sue Penrhyn-Lowe, as a named author of Anand et al. performed useful practical work such as would justify her being named as a joint author of the journal article, Sue Penrhyn-Lowe did not contribute inventively to the invention

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described and claimed in the above-identified U.S. Patent application. Sue Penrhyn-Lowe provided technical assistance to Shubha Anand and Ashok Venkitaraman in the microscopy experiments, she curated the instruments, assisted in sample preparation and microscopy, and in taking micrographic images for publication.

5. Anand et al. describes our work and the publication establishes a date of the information described therein as of at least the January 2003 publication of Anand et al.

6. The description of the invention claimed in the above-identified application is based, in part, on the description of Anand et al. We note in this regard, for example, that the results of Figure 1 of the above-identified application are also described in Figure 7 of Anand et al.

7. Anand et al., which describes our work and is a basis for the above-identified application, is submitted to establish our invention of the claimed subject matter of the above-identified application prior to the April 28, 2008 publication date of Hauf et al. "The small molecule Hesperadin reveals a role for Aurora B in correcting kinetochore-microtubule attachment and in maintaining the spindle assembly checkpoint" The Journal of Cell Biology, Volume 161, No. 2, April 28, 2003, 281-294.

We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section

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1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed this 4 day of June, 2009.

(Signature) Shubha Anand
Shubha Anand

Signed this 3 day of June, 2009.

(Signature) Ashok Venkitaraman
Ashok Venkitaraman